

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE BYSTOLIC ANTITRUST LITIGATION :

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This Document Relates To: :

20-cv-5735 (LJL)

All Direct Purchaser Actions :
CVS Action (No. 20-cv-10087) :
Walgreen Action (No. 20-cv-9793) :
 All End-Payor Actions :

ORDER

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LEWIS J. LIMAN, United States District Judge:

This order addresses several pending motions to seal in this case.

The motion at Dkt. No. 263 is granted, and the exhibit at Dkt. No. 262-3 may be maintained under seal.

The motion at Dkt. No. 268 is denied. The motion at Dkt. No. 273 is granted, and Defendants are ordered to file their Memorandum of Law in Support of Defendants' Motion to Dismiss the Direct Purchaser and Retailer Plaintiffs' Second Amended Complaints in partially redacted form as set forth in Dkt. No. 273-1. Defendants are also ordered to file the Declaration of Peter J. Carney; Exhibits 1 through 19 to the Carney Declaration may remain under seal.

The motion at Dkt. No. 279 is denied. Direct Purchaser Plaintiffs and Retailer Plaintiffs are ordered to meet and confer with Defendants and propose for filing on the public docket a partially redacted Memorandum of Law in Opposition to Defendants' Motion to Dismiss the Direct Purchaser and Retailer Plaintiffs' Second Amended Complaints.

The motion at Dkt. No. 280 is denied. End-Payor Plaintiffs are ordered to meet and confer with Defendants and propose for filing on the public docket a partially redacted Opposition to Certain Defendants' Rule 12(b)(2) Motion to Dismiss for Lack of Personal Jurisdiction, including the Declaration of Donna M. Evans and Exhibits A through G. All proposed redactions should be limited to that material which is confidential and which satisfies the standards under *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006). Thus, where only a portion of an exhibit or a filing would satisfy the standards under *Lugosch*, only that portion should be redacted.

The motion at Dkt. No. 290 is denied. The motion at Dkt. No. 294 is granted, and Defendants are ordered to file their Reply Memorandum of Law in Support of Their Motion to Dismiss the Direct Purchaser and Retailer Plaintiffs' Second Amended Complaints in partially

redacted form as set forth in Dkt. No. 294-1.

All filings are to be made in the form directed by this Order by **February 9, 2022**. Parties proposing redactions should follow the Court's Individual Practices, available at <https://www.nysd.uscourts.gov/hon-lewis-j-liman>.

The Clerk of Court is respectfully directed to close the motions at Dkt. Nos. 263, 268, 273, 279, 280, 290, and 294.

SO ORDERED.

Dated: February 2, 2022
New York, New York



LEWIS J. LIMAN
United States District Judge